



General Assembly

February Session, 2008

***Raised Bill No. 5770***

LCO No. 2538

\*02538\_\_\_\_\_GL\_\*

Referred to Committee on General Law

Introduced by:  
(GL)

***AN ACT CONCERNING THE ENFORCEMENT OF FUEL  
REGULATIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-329 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) The standard gallon shall be the unit of measurement for all sales  
4 of gasoline, kerosene, fuel oils or similar substances sold or offered for  
5 sale for the purpose of creating power or heat. Each delivery of  
6 gasoline in a quantity of fifty gallons or more and each delivery of  
7 kerosene, fuel oil or similar substance in a quantity of five gallons or  
8 more shall be the complete contents of a vehicle tank or it shall be  
9 through a meter. Each such tank or meter shall be sealed by a sealer of  
10 weights and measures before being used. The term "vehicle tank", as  
11 used herein, means a container, which may or may not be subdivided  
12 into two or more compartments, mounted upon a wagon or motor  
13 truck and used for the delivery of such fluids. The term "compartment"  
14 means the entire tank whenever the tank is not subdivided; otherwise  
15 it means any one of those subdivided portions of the tank which are  
16 designed to hold such fluids. Each delivery through a meter shall be

17 delivered through a meter equipped with a numeral reset counter, a  
18 register with a zero start or an accumulative ticket printer, which  
19 meters shall print an accurate record of all deliveries in gallons and  
20 tenths. Such ticket printer shall print the gallonage reading of the  
21 meter before and after delivery is made and each ticket shall be locked  
22 in the meter between readings so as to prevent fraud. Each delivery  
23 shall be accompanied by a delivery ticket and a duplicate thereof, on  
24 which shall be distinctly expressed in ink or other indelible substance,  
25 in gallons, or gallons and tenths when so required, the quantity and  
26 common name and grade of such fluid so delivered, with the name of  
27 the seller and the name or address of the purchaser of such fluid. One  
28 of such tickets shall be surrendered, upon demand, to the sealer of  
29 weights and measures, for his inspection, and such ticket or, when the  
30 sealer desires to retain the original ticket, a measure slip issued by the  
31 seller or his agent, shall be delivered to the purchaser or his agent or  
32 representative at the time of the delivery of such fluid. If the purchaser  
33 or his agent takes such fluid from the place of purchase, a delivery  
34 ticket showing the actual number of gallons, or gallons and tenths,  
35 delivered shall be given to the purchaser or his agent at the time of  
36 delivery. Delivery tickets shall bear the name or identification number  
37 of the seller's driver and shall be sequentially numbered. Copies of  
38 delivery tickets shall be retained by the seller for one year and shall be  
39 available for inspection during normal business hours. No seller, or  
40 agent of such seller, shall possess a delivery ticket which has been  
41 printed with a record of a delivery which has not occurred. The  
42 method of determining the number of gallons of any such fluid  
43 delivered shall be by measuring the same in measures that have been  
44 tested and sealed by a sealer of weights and measures.

45 (b) No person, firm or corporation shall sell at retail fuel oil or  
46 propane gas to be used for residential heating unless all of the  
47 purchaser's costs associated with such fuel oil or propane gas,  
48 including [, but not limited to,] unit price and any delivery surcharge,  
49 are disclosed to the purchaser, in writing, at the time the purchaser  
50 enters into a purchase contract with the seller or at the time of renewal

51 of such contract. Such disclosures shall be made by the seller when the  
52 purchaser places an order for such fuel oil or propane gas if there is no  
53 contract between the seller and purchaser.

54 (c) The provisions of this section shall not apply to barge, railroad  
55 tank car, drum or slow flow meter delivery.

56 (d) The provisions of this section requiring meters to print tenths of  
57 a gallon shall not apply to bulk plant deliveries to a reseller, or bulk  
58 delivery of gasoline to service stations for resale. On other high-speed,  
59 large volume deliveries, the Commissioner of Consumer Protection  
60 may waive the one-tenth gallon requirement, upon request. On all of  
61 these deliveries the meters shall print an accurate record in gallons.

62 (e) Any person who, by himself or by his agent or employee, or as  
63 the employee or agent of another, violates any provision of this section  
64 shall be subject to the penalties provided in chapter 750, concerning  
65 weights and measures, or chapter 296, concerning operation of fuel  
66 supply businesses, as applicable.

67 (f) In accordance with the provisions of section 53a-11, anyone who  
68 knowingly is in possession of a delivery ticket indicating an amount of  
69 fuel delivered prior to such delivery or who knowingly misrepresents  
70 such fuel shall have committed a class A misdemeanor for a first  
71 violation, except that such person shall be guilty of a class D felony if  
72 such person: (1) Derived a financial benefit of one thousand dollars or  
73 more, or (2) committed a second or subsequent violation. If a person  
74 defrauds a person on energy assistance or a person aged sixty years or  
75 older as a result of such violation, such person shall be guilty of a class  
76 C felony.

77 Sec. 2. Section 14-327a of the general statutes is repealed and the  
78 following is substituted in lieu thereof (*Effective October 1, 2008*):

79 As used in sections 14-327a to 14-327e, inclusive:

80 (1) "Commissioner" means the Commissioner of Consumer

81 Protection.

82 (2) The "American Society for Testing and Materials" or "ASTM"  
83 means the scientific and technical organization established for the  
84 development of standards of characteristics and performance of  
85 materials, products, systems and services and the promotion of related  
86 knowledge.

87 (3) "Distributor" means any person who imports or causes to be  
88 imported into this state motor fuel for sale or use in this state or any  
89 person who produces, refines, blends, manufactures or compounds  
90 motor fuels within this state for sale or use in this state and includes  
91 any affiliate of either such person who purchases motor fuel for sale,  
92 consignment or distribution to another or receives motor fuel on  
93 consignment for consignment or distribution to his own motor fuel  
94 accounts or to accounts of his supplier, but does not include any  
95 person who is an employee of, or merely transports motor fuel for,  
96 such supplier.

97 (4) "Retailer" means any person engaged in the business of selling  
98 motor fuel to the general public for ultimate consumption.

99 (5) "Motor fuel" means (A) all products commonly or commercially  
100 known or sold as gasoline, including casinghead and absorption or  
101 natural gasoline, regardless of their classification or uses, (B) any liquid  
102 prepared, advertised, offered for sale or sold for use, or commonly and  
103 commercially used, as a fuel in internal combustion engines, including  
104 any liquid commonly referred to as "gasohol" which is prepared,  
105 advertised, offered for sale or sold for use, or commonly and  
106 commercially used, as a fuel in internal combustion engines, but  
107 excluding aviation fuel and liquefied petroleum gases.

108 (6) "Person" means a natural person, company, partnership, foreign  
109 or domestic corporation, limited liability company, trust,  
110 unincorporated organization, association and any other legal entity.

111 (7) "Developmental engine fuel" means experimental automotive  
 112 spark-ignition engine fuel or compression-ignition fuel that does not  
 113 meet current standards established pursuant to this chapter, but has  
 114 characteristics that may lead to an improved fuel standard or the  
 115 development of an alternative fuel standard, as determined by the  
 116 commissioner.

117 (8) "Antiknock index" or "AKI" means the arithmetic average of the  
 118 Research Octane Number or "RON" and the Motor Octane Number or  
 119 "MON". AKI = (RON+MON)/2. The AKI may also be referred to as  
 120 "octane rating", "posted octane", and "(R+M)/2 octane".

121 (9) "Automotive fuel rating" means the automotive fuel rating  
 122 required by the octane certification and posting rule or fuel rating rule,  
 123 16 CFR, Part 306, as amended from time to time, which requires sellers  
 124 of liquid automotive fuels, including alternative fuels, to determine,  
 125 certify and post appropriate automotive fuel ratings. The automotive  
 126 fuel rating for gasoline is the antiknock index or octane rating specified  
 127 in subdivision (8) of this section. The automotive fuel rating for  
 128 alternative liquid fuels consists of the common name of the fuel and  
 129 the amount of the fuel, expressed as a minimum percentage by volume  
 130 of the principal component of the fuel.

131 Sec. 3. Section 14-327b of the general statutes is repealed and the  
 132 following is substituted in lieu thereof (*Effective October 1, 2008*):

133 (a) No distributor shall sell or offer to sell motor fuel in this state  
 134 unless such distributor has first registered with the Department of  
 135 Consumer Protection each type of motor fuel which he intends to sell  
 136 and has received from the department a certificate of registration for  
 137 each type of motor fuel which he intends to sell.

138 (b) Each distributor required to register with the department as  
 139 provided in subsection (a) of this section shall apply annually to the  
 140 commissioner, in writing on a form provided by the commissioner, for  
 141 such certificate of registration.

142 (c) The application for a certificate of registration shall include: (1)  
143 The name and address of the person registering the motor fuel, (2) the  
144 name, brand or trademark under which the type of motor fuel will be  
145 sold, (3) the antiknock index or Cetane number, as is applicable, at  
146 which the motor fuel will be sold, (4) a certification that each  
147 individual type of motor fuel registered shall conform to the  
148 provisions of sections 14-327a to 14-327e, inclusive, and (5) any other  
149 information required by the commissioner. A separate application  
150 shall be made for each type of motor fuel to be registered. Such  
151 application and its contents shall not be available to the public.

152 (d) The Commissioner of Consumer Protection may grant a variance  
153 from the specifications of this chapter for developmental engine fuels if  
154 all of the following conditions apply: (1) Variances may only be  
155 granted to provide for the development of information under  
156 controlled test conditions to assist in the creation of chemical and  
157 performance standards for engine fuels; (2) developmental engine fuel  
158 shall only be distributed or sold to fleet-type centrally fueled vehicles  
159 and equipment users; (3) the applicant shall warn all parties in writing  
160 of any potential risk associated with the use of the developmental  
161 engine fuel; (4) the applicant shall report information when and as the  
162 department may prescribe in order for the department to monitor the  
163 progress of the developmental engine fuel technology evaluation; and  
164 (5) the applicant for a variance shall comply with all other  
165 requirements, terms and conditions that are contained in regulations  
166 adopted by the department to further the purposes and administration  
167 of this section. The department may withdraw a variance if the  
168 applicant does not adhere to the conditions required to obtain the  
169 variance or if the department recognizes a high probability of  
170 equipment harm with the continued use of the developmental engine  
171 fuel or to protect public safety, upon prior notice to the applicant.

172 ~~[(d)]~~ (e) Each application for a certificate of registration shall be  
173 accompanied by a fee of one hundred dollars.

174       Sec. 4. Section 14-327c of the general statutes is repealed and the  
175       following is substituted in lieu thereof (*Effective October 1, 2008*):

176       The commissioner shall adopt regulations in accordance with the  
177       provisions of chapter 54 establishing standards for the quality of motor  
178       fuels sold or offered for sale in this state. The regulations shall be  
179       consistent with standards established by the American Society for  
180       Testing and Materials, unless otherwise required by federal statute or  
181       regulation. Where no ASTM standards exist, the commissioner may  
182       substitute other generally recognized national consensus standards.

183       Sec. 5. Section 16a-15 of the 2008 supplement to the general statutes  
184       is repealed and the following is substituted in lieu thereof (*Effective*  
185       *October 1, 2008*):

186       (a) Each person shall publicly display and maintain on each pump  
187       or other dispensing device from which any [gasoline] motor fuel or  
188       other product intended as a fuel for aircraft, motor boats or motor  
189       vehicles is sold by such person, such signs as the Commissioner of  
190       Consumer Protection, by regulation adopted pursuant to chapter 54,  
191       may require to inform the public of the octane, cetane or automotive  
192       rating and price [of such gasoline] labeling, standards for, and identity  
193       of fuels, petroleum products, motor fuel, automotive lubricant or other  
194       product. Each person selling such [gasoline] motor fuel or other  
195       product on both a full-serve and self-serve basis and displaying the  
196       price of such [gasoline] motor fuel or other product at a location on the  
197       premises other than at a pump or other dispensing device shall include  
198       in such display both the full-serve and self-serve prices of such  
199       [gasoline] motor fuel or other product, in such manner as the  
200       commissioner, by regulation, may require. All signs as to price shall be  
201       the per-gallon price and shall not be the price of less or more than one  
202       gallon.

203       (b) Each person shall publicly display and maintain on each pump  
204       or other dispensing device from which any gasoline or other product  
205       containing more than one per cent by volume of ethanol, methanol or

206 any other cosolvent, and intended as a fuel for aircraft, motor boats or  
207 motor vehicles is sold by such person, such signs as the Commissioner  
208 of Consumer Protection, by regulation adopted pursuant to chapter 54,  
209 may require to inform the public of the amount of methanol, ethanol or  
210 any other cosolvent contained in such gasoline or other product.

211 (c) Each person shall publicly display and maintain, in a like  
212 manner, size and print, on each sign on display to the general public  
213 intended to inform the public of the price of gasoline and each pump  
214 or other dispensing device from which any gasoline intended as a fuel  
215 for motor vehicles is sold by such person, such signs as the  
216 Commissioner of Consumer Protection, by regulation adopted  
217 pursuant to chapter 54, may require to inform the public of the price  
218 for such gasoline for such members of the public as any such sign that  
219 informs of the price of such gasoline for members of any club,  
220 members of any retail membership organization or persons who  
221 qualify for any special discount offer.

222 (d) Any manufacturer, hauler, blender, agent, jobber, consignment  
223 agent, or distributor who distributes [gasoline] motor fuel, or other  
224 products intended for heating or as fuel for aircraft, motor boats, or  
225 motor vehicles, which contain one per cent or more alcohol or other  
226 cosolvent by volume, shall state the percentage of alcohol or other  
227 cosolvent and the type of alcohol or other cosolvent on any invoice, bill  
228 of lading, shipping paper, or other documentation used in normal and  
229 customary business practices. Such records shall be maintained for not  
230 less than one year by the retailer and shall be available for inspection  
231 upon request by the commissioner or the commissioner's authorized  
232 agent.

233 (e) Any person who, by himself or herself or by his or her agent or  
234 employee, violates any provision of this section or such regulations  
235 shall be fined not less than fifty dollars or more than two hundred fifty  
236 dollars.

237 (f) A violation of subsection (c) of this section shall constitute an



238 unfair trade practice under subsection (a) of section 42-110b.

239 Sec. 6. Section 16a-23n of the general statutes is repealed and the  
240 following is substituted in lieu thereof (*Effective October 1, 2008*):

241 (a) A contract for the retail sale of home heating oil or propane gas  
242 that offers a guaranteed price plan, including fixed price contracts and  
243 any other similar terms, shall be in writing and the terms and  
244 conditions of such price plans shall be disclosed. Such disclosure shall  
245 be in plain language and shall immediately follow the language  
246 concerning the price or service that could be affected and shall be  
247 printed in no less than twelve-point boldface type of uniform font.

248 (b) A home heating oil or propane gas dealer that advertises a price  
249 shall offer said price for a period of no less than twenty-four hours or  
250 until the next advertised price is publicized, whichever occurs first.

251 (c) No home heating oil or propane gas dealer shall enter into a  
252 prepaid home heating oil or propane gas contract or a capped price per  
253 gallon home heating oil contract unless such dealer has either: (1)  
254 Obtained and maintained heating oil or propane gas futures contracts  
255 or other similar commitments that allow such dealer to purchase, at a  
256 fixed price, heating oil or propane gas in an amount not less than  
257 seventy-five per cent of the maximum number of gallons or amount  
258 that such dealer is committed to deliver pursuant to all prepaid home  
259 heating oil or propane gas contracts entered into by such dealer or that  
260 such dealer estimates is committed pursuant to all capped price per  
261 gallon home heating oil or capped price per unit propane gas  
262 contracts, respectively, or (2) obtained and maintained a surety bond in  
263 an amount not less than fifty per cent of the total amount of funds paid  
264 to the dealer by consumers pursuant to prepaid home heating oil or  
265 propane gas contracts or that the dealer estimates will be paid to the  
266 dealer by consumers pursuant to all capped price per gallon home  
267 heating oil or capped price per unit propane gas contracts,  
268 respectively. Such dealer shall maintain the amount of futures  
269 contracts or the amount of the surety bond required by this subsection

270 for the period of time for which such prepaid home heating oil or  
271 propane gas contracts or capped price per gallon home heating oil or  
272 capped price per unit propane gas contracts are effective, except that  
273 the amount of such futures contracts or surety bond may be reduced  
274 during such period of time to reflect any amount of home heating oil  
275 or propane gas already delivered to and paid for by the consumer.

276 (d) No prepaid home heating oil or propane gas contract shall  
277 require any consumer commitment to purchase home heating oil or  
278 propane gas pursuant to the terms of such contract for a period of  
279 more than eighteen months.

280 (e) Any prepaid home heating oil or propane gas contract shall  
281 indicate: (1) The amount of funds paid by the consumer to the dealer  
282 under such contract, (2) the maximum number of gallons of home  
283 heating oil or maximum amount of propane gas committed by the  
284 dealer for delivery to the consumer pursuant to such contract, and (3)  
285 that performance of such prepaid home heating oil or propane gas  
286 contract is secured by one of the two options described in subsection  
287 (c) of this section. Any such contract shall provide that the contract  
288 price of any undelivered home heating oil or propane gas owed to the  
289 consumer under the contract, on the end date of such contract, shall be  
290 reimbursed to the consumer not later than thirty days after the end  
291 date of such contract unless the parties to such contract agree  
292 otherwise.

293 (f) Each person who sells, or offers for sale, pre-paid heating fuel  
294 contracts shall submit, at the request of the commissioner, or the  
295 commissioner's authorized representative, in a manner determined by  
296 the commissioner, documentation relating to the method of securing  
297 such pre-paid contracts, including, but not limited to, copies of  
298 contracts, bonds or sworn statements, customer or supplier lists.

299 Sec. 7. Section 16a-23p of the general statutes is repealed and the  
300 following is substituted in lieu thereof (*Effective October 1, 2008*):

301 The Department of Consumer Protection may suspend or revoke  
 302 any registration issued under section 16a-23m if the holder of such  
 303 registration is grossly incompetent, engages in malpractice or unethical  
 304 conduct, [or] knowingly makes false, misleading or deceptive  
 305 representations regarding such holder's work, violates any provision  
 306 of section 16a-23n, as amended by this act, [or] violates any regulations  
 307 adopted under section 16a-23q, or fails to cooperate with the  
 308 department in the course of an investigation. Before any such  
 309 registration is suspended or revoked, such holder shall be given notice  
 310 and opportunity for hearing as provided in regulations adopted by the  
 311 Commissioner of Consumer Protection in accordance with the  
 312 provisions of chapter 54.

313 Sec. 8. Section 16a-23r of the general statutes is repealed and the  
 314 following is substituted in lieu thereof (*Effective October 1, 2008*):

315 (a) A violation of the provisions of section 16a-23m, 16a-23n, as  
 316 amended by this act, or 16a-23o constitutes an unfair trade practice  
 317 under subsection (a) of section 42-110b.

318 (b) In accordance with the provisions of section 53a-11, any home  
 319 heating oil dealer who knowingly violates the provisions of subsection  
 320 (c) of section 16a-23n, as amended by this act, shall have committed a  
 321 class A misdemeanor, except that such person shall be guilty of a class  
 322 C felony if such person: (1) Derived a financial benefit of one thousand  
 323 dollars or more; or (2) committed a second or subsequent violation. If a  
 324 person defrauds a person on energy assistance or a person aged sixty  
 325 years or older as a result of such violation, such person shall be guilty  
 326 of a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	14-329
Sec. 2	<i>October 1, 2008</i>	14-327a
Sec. 3	<i>October 1, 2008</i>	14-327b

Sec. 4	<i>October 1, 2008</i>	14-327c
Sec. 5	<i>October 1, 2008</i>	16a-15
Sec. 6	<i>October 1, 2008</i>	16a-23n
Sec. 7	<i>October 1, 2008</i>	16a-23p
Sec. 8	<i>October 1, 2008</i>	16a-23r

**Statement of Purpose:**

To protect purchasers of motor and home heating fuels.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*